Remarks

Claim rejections 35 USC § 102

The invention which is the subject of this application is explicitly stated to provide a client computer with remote access to an application on a server, without maintaining a dedicated communications channel between the client and the server.

The Gokhale reference compares and contrasts two very different methods of a client interacting with a server. On the one hand there is the CORBA architecture which is stateful, and in which the object request brokers (ORBs) on both the client and server sides provide a dedicated communications channel. On the other hand, there is the web services model which is stateless and which does not maintain a dedicated communications channel.

As the Examiner will be aware, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." As is further explained in MPEP 2131, the elements must be "arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e. identity of terminology is not required".

Gokhale contains no such teaching. The Examiner has attempted to demonstrate that some elements of the CORBA model, taken in isolation, are similar to certain elements of the invention of claim 1, while other elements of the web services model, taken in isolation from the CORBA model, teach the remaining elements of claim 1. This is not the same as a teaching of each and every element "as set forth in the claim ... arranged as required by the claim".

Indeed, one of the claim elements, namely paragraph (c) of claim 1, is alleged to be anticipated by a "passage" which is presented as a quotation from the specification but is in fact two entirely unrelated passages, one on page 5 and one on page 8. The first of the passages in this "quotation" relates to the web services model and the second is an isolated sentence from a passage which relates to the CORBA model.

The two are clearly incompatible and there is clearly no teaching in the specification represented by the "passage" which the Examiner has created by the juxtaposition of these two unrelated teachings.

Indeed the sentence relied on by the Examiner on page 8 begins "Second, the interaction ...". This suggests that there is a context missing from the Examiner's own argument. The paragraph in question reads: *"In CORBA, there is a tight coupling between the client and the server. First, both must share the same interface – with a stub on the client-side and the corresponding skeleton on the server-side – and must run an orb at both ends. Second, the interaction ..."*

The CORBA model cannot anticipate the claimed invention since it provides exactly what the claim is stated not to provide, namely a dedicated communications channel between client and server. It is meaningless to suggest that parts of this model can be taken in isolation, since Gokhale itself flatly contradicts this: *"CORBA imposes an all-or-nothing approach. Any thin client willing to speak CORBA will have to support the ORB libraries. The footprint issue is being addressed though by the minimum CORBA specification ... However, in all such cases, an ORB will still be required at the client end, even if the footprint is kept small." (Page 14, paragraph 5).*

In summary, therefore, the CORBA model which is discussed in the Gokhale reference is not relevant as it does not disclose any method of providing a client computer with remote access to an application controlled by a server across the network without maintaining a dedicated communications channel between the client and the server.

With respect, it is pointed out that had the inventors been simply aiming to allow client control of a server-based application and to allow a server to issue notifications to the client, then any mechanism which maintains a dedicated communications channel and a tight coupling between the client and server (i.e. Not just CORBA) would have sufficed. The entire thrust of the present invention is how to implement these features in environments where it is not permitted to open a dedicated communications channel.

The web services model discussed by Gokhale does not maintain such a dedicated communications channel, and therefore fits the definition in the preamble of claim 1, but it then falls down because there is no teaching in Gokhale of how the server might generate notifications on the client in respect of events occurring in the application when the web services model is employed. Note again that Gokhale forbids selectively plucking features from the "all or nothing" CORBA model, and indeed it would be meaningless to do so, even without this express disapproval in Gokhale.

In summary, by making a finding that individual features can be selectively found in one or other of two incompatible and contrasted models in the Gokhale reference, the rejection fails to demonstrate that Gokhale teaches each and every element as set forth in the claim, arranged as required by the claim.

The arguments made above in respect of the features of claim 1 apply equally to independent claims 11, 12, 13, 21, 22, 23 and 24, and to each of the dependent claims which includes as a minimum the features of the independent claim from which it depends.

Accordingly, reconsideration and allowance of the application are respectfully requested.

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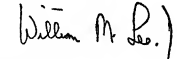
Respectfully submitted,



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